

**REMARKS**

The Examiner rejected claims 1-3, 5-7 and 9-20 under 35 U.S.C. §102(e) as being anticipated by Jungerman et al. (U.S. 20040146097 A1, hereinafter "Jungerman"). Claims 4 and 8 were objected to as being dependent upon a rejected base claim. The Examiner stated that claims 4 and 8 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal of the rejections in light of the following.

**Anticipation under 35 U.S.C. §102(e)-Jungerman:**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. (M.P.E.P. 2131).

In rejecting claims 1, 9 and 17, the Examiner stated that Jungerman teaches a method and system of characterizing jitter of repetitive patterns comprising:

establishing an array of frequencies;

acquiring a set of pseudo-randomly timed samples at a first designated position on the repetitive signal;

assigning a first set of jitter values to the set of pseudo-randomly timed samples;

selecting a frequency from the array based on a correlation of the assigned jitter values in the first set with the frequencies in the array, wherein the selected frequency has the highest correlation. (Applicant's claim 1).

**BEST AVAILABLE COPY**

The Examiner cited Figure 3A, and paragraphs 0006, 0021 of Jungerman as teaching the limitation of "selecting a frequency from the array based on a correlation of the assigned jitter values in the first set with the frequencies in the array, wherein the selected frequency has the highest correlation", recited in applicant's claim 1.

Jungerman's Figure 3A

Jungerman's Figure 3A shows an example "of a set of amplitude values acquired from a repetitive pattern for use in jitter characterization". [Jungerman's paragraph 0009]. Figure 3A does not expressly or inherently describe "...a correlation of the assigned jitter values...with frequencies in an array..." as recited in applicant's claim 1.

Jungerman's paragraph 0006

Jungerman's paragraph 0006, also cited by the Examiner as disclosing element (4) of applicant's claim 1, recites that "[a] periodic component of the jitter is characterized by determining the peak amplitude deviation of the acquired set of amplitude values, and then determining a periodic amplitude variation based on the RMS value, the peak amplitude deviation and the number of amplitude values in the set of amplitude values. The peak amplitude deviation is then converted, based on the slope of the designated edge, to a corresponding periodic time jitter that represents the periodic component of the jitter".

Correlation is distinctly absent from the Jungerman reference. Jungerman's paragraph 0006, cited by the Examiner, does not teach "selecting a frequency from the array based on a correlation of the assigned jitter values in the first set with the frequencies in the array, wherein the selected frequency has the highest correlation".

**BEST AVAILABLE COPY**

Jungerman paragraph 0021

Jungerman's paragraph 0021 recites that "a peak deviation App of the set of amplitude values A1-AN is determined. The peak deviation App is the difference between the maximum amplitude value in the set and the minimum amplitude value in the set. In step 38, a periodic amplitude variation B is established based on the RMS value sigma obtained in step 32, the peak deviation App from step 36, and the number N of amplitude values A1-AN in the set of acquired samples."

Correlation is also distinctly absent from the paragraph 0021 of Jungerman cited by the Examiner. Jungerman's paragraph 0021 does not teach "selecting a frequency from the array based on a correlation of the assigned jitter values in the first set with the frequencies in the array, wherein the selected frequency has the highest correlation", as recited in applicant's claim 1.

Because the Jungerman reference fails to expressly or inherently describe at least the element of "selecting a frequency from the array based on a correlation of the assigned jitter values in the first set with the frequencies in the array, wherein the selected frequency has the highest correlation" as set forth in applicant's claim 1, applicant's claim 1 can not be anticipated by the Jungerman reference on this ground.

Similar reasoning applies to independent claims 9 and 17. Claim 9 recites the limitation "selecting a frequency from the array of frequencies based on a correlation of the assigned jitter values in the first set with the frequencies in the array" which is not expressly or inherently described in the Jungerman reference. Claim 17 recites the limitation "assigning a jitter value to each of the samples in the acquired set and selecting a frequency from an array of frequencies based on a correlation of the

**BEST AVAILABLE COPY**

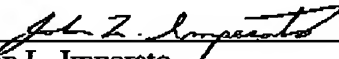
assigned jitter values with the frequencies in the array", which is also not expressly or inherently described in by Jungerman.

### CONCLUSION

Applicant believes that originally presented claims 1, 9 and 17 are not anticipated by the Jungerman reference. Dependent claims 2-8, 10-16, and 18-20 are believed allowable based on the allowability of independent claims 1, 9 and 17.

If the Examiner has any questions or would like to discuss this application in more detail, he is invited to call the applicant's attorney at the telephone number given below.

Respectfully submitted,

By   
John L. Imperato  
Reg. No. 40,026

Tel.: (650) 485-5511

Dated: July 22, 2005

AGILENT TECHNOLOGIES, INC.  
Legal Department, M/S DL 429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, Colorado 80537-0599

**BEST AVAILABLE COPY**